

**SUPREME COURT MINUTES  
WEDNESDAY, NOVEMBER 27, 2002  
SAN FRANCISCO, CALIFORNIA**

**S094248**

B136407 Second Appellate District,  
Division Four

DEGRASSI v. COOK, etc. et al.

Opinion filed: Judgment affirmed in full

Majority Opinion by George, C.J.

--- joined by Kennard, J., Werdegar, J.,  
Chin, J., Moreno, J.

Concurring & Dissenting Opinion by  
Brown, J.

--- joined by Baxter, J.

**S097445**

C035456 Third Appellate District

KATZBERG v. U.C. REGENTS et al.

Opinion filed: Judgment affirmed in full

Majority Opinion by George, CJ.

--- joined by Kennard, J., Werdegar, J.,  
Chin, J., and Moreno, J.

Concurring & Dissenting Opinion by  
Brown, J.

--- joined by Baxter, J.,

**S039632**

PEOPLE v. WILSON (ROBERT)

Extension of time granted

to January 31, 2003 to file respondent's brief.  
Extension is granted based upon Deputy  
Attorney General Chung L. Mar's  
representation that he anticipates filing that  
document by January 31, 2003. After that  
date, no further extension is contemplated.

**S043628**

PEOPLE v. CARRINGTON (CELESTE)

Extension of time granted

to January 31, 2003 to file appellant's opening  
brief. The court anticipates that after that date,  
only three further extensions totaling 180  
additional days will be granted. Counsel is  
ordered to inform his or her assisting attorney  
or entity, if any, and any assisting attorney or  
entity of any separate counsel of record, of  
this schedule, and to take all steps necessary to  
meet it.

**S054569**

PEOPLE v. WHALEN (DANIEL L.)  
Extension of time granted

to January 31, 2003 to file appellant's opening brief. The court anticipates that after that date, only five further extensions totaling 300 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S099231**

BOLDEN (CLIFFORD) ON H.C.  
Extension of time granted

to December 27, 2002 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Jeanne Keegan-Lynch's representation that she anticipates filing that document by December 27, 2002. After that date, no further extension will be granted.

**S103600**

LOAIZA (JOAQUIN) ON H.C.  
Extension of time granted

petitioner's time to serve and file the reply to the Attorney General's informal response is extended to and including December 24, 2002.

**S103681**

F038251 Fifth Appellate District

PERACCHI v. S.C. ( PEOPLE)  
Extension of time granted

respondent's time to serve and file the reply brief is extended to and including December 10, 2002.

**S109288**

MUSSELWHITE (JOSEPH T.) v. ON H.C.  
Extension of time granted

to December 23, 2002 to file the informal response to the petition for writ of habeas

corpus. Extension is granted based upon Deputy Attorney General David A. Rhodes's representation that he anticipates filing that document by December 23, 2002. After that date, no further extension will be granted.

**S109520**

A095878 First Appellate District,  
Division Four

T. (ELDRIDGE), IN RE  
Extension of time granted

respondent's time to serve and file the opening brief on the merits is extended to and including December 27, 2002.

**S099587**

DENNIS (WILLIAM MICHAEL) ON H.C.  
Order filed

The order filed on November 26, 2002 is corrected nunc pro tunc as follows:

The petition for writ of habeas corpus, filed on August 2, 2001, is denied.

Claim I is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547).

Claim II is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim III, first subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9;

*In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim III, second subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim IV is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799), as pretermitted (see *In re Dixon* (1953) 41 Cal.2d 756, 759), and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim V, first subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim V, second subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VI is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547). Further, to the extent that Claim VI was raised

and rejected on appeal, it is also procedurally barred as repetitive. (See *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225.) To the extent that Claim VI could have been, but was not, raised on appeal, it is procedurally barred as pretermitted. (See *In re Dixon, supra*, 41 Cal.2d at p. 759.)

Claim VII is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VIII, first subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VIII, second subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VIII, third subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VIII, fourth subclaim, is denied on

the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VIII, fifth subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim VIII, sixth subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim IX, first subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim IX, second subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768;

*In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim IX, third subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799) and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim X is denied on the merits. It is also procedurally barred, separately and independently, as untimely (see *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799), as pretermitted (see *In re Dixon, supra*, 41 Cal.2d at p. 759), and as successive (see *In re Robbins, supra*, 18 Cal.4th at pp. 778, fn. 1, 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz, supra*, 33 Cal.2d at pp. 546-547).

Claim XI, first subclaim, is denied on the merits.

Claim XI, second subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely. (See *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799.)

Claim XI, third subclaim, is denied on the merits. It is also procedurally barred, separately and independently, as untimely. (See *In re Robbins, supra*, 18 Cal.4th at pp. 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799.)

Claim XII is denied on the merits.

Claim XIII is denied on the merits.

Petitioner's motions for calendar preference, filed on August 2, 2001, October 16, 2001, and January 25, 2002, are denied as moot.

**SUPREME COURT CALENDAR  
SAN FRANCISCO SESSION  
JANUARY 7 and 8, 2003**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 7 and 8, 2003.

TUESDAY, JANUARY 7, 2003 – 9:00 A.M.

S091297	Greenfield v. Fritz Companies
S095872	People v. Barnum
S102162	People v. Gutierrez

1:30 P.M.

S102729	In re Marquez on Habeas Corpus
S103581	In re Martinez on Habeas Corpus
S046117	People v. Ernest Jones (Automatic Appeal)

WEDNESDAY, JANUARY 8, 2003 – 9:00 A.M.

S099339	Bonanno v. Central Contra Costa Transit
S018033	People v. Prentice Snow (Automatic Appeal)

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.